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13 | IN RE: CATHODE RAY TUBE
(CRT) ANTITRUST LITIGATION

Master No.: 3:07-cv-05944-SC
MDL No. 1917

15 | This Document Relates to:

16 ALL INDIRECT-PURCHASER ACTIONS

**DECLARATION OF MARIO N. ALIOTO
IN SUPPORT OF INDIRECT PURCHASER
PLAINTIFFS' OPPOSITION TO THE
IRICO DEFENDANTS' AMENDED
MOTIONS TO DISMISS CLAIMS OF
INDIRECT PURCHASER PLAINTIFFS
FOR LACK OF SUBJECT MATTER
JURISDICTION (FED. R. CIV. P. 12(b)(1))
(ECF Nos. 5409, 5411)**

Date: May 30, 2019

Time: 2:00 p.m.

Place: Courtroom 9

The Honorable Jon S. Tigar

1 I, Mario N. Alioto, declare as follows:

2 I am an attorney duly licensed to practice in the State of California and before this
3 Court. I am Lead Counsel for the Indirect Purchaser Plaintiffs. I submit this Declaration
4 in support of the IPPs' Opposition to the Irizo Defendants' Amended Motions to Dismiss
5 Claims of Indirect Purchaser Plaintiffs for Lack of Subject Matter Jurisdiction (Fed. R.
6 Civ. P. 12(b)(1) (ECF Nos. 5409, 5411). I have personal knowledge of the facts set forth
7 herein, and could and would be competent to testify thereto if called upon to do so.

8 1. Attached as **Exhibit 1** is a true and correct copy of Irizo Group Electronics
9 Co. Ltd.'s ("Electronics") 2004 Annual Report dated March 24, 2005, published by Irizo
10 Group Electronics (now known as Irizo Group New Energy Co. Ltd.) at
11 <http://www.irizo.com.cn/en/wp-content/uploads/2005/04/LTN20050408421.pdf>. An
12 excerpt of the Report was marked as Deposition Exhibit No. 8419. The Report describes
13 the corporate relationship between Electronics and Group as follows:

14 "IRICO Group Electronics Company Limited (the "Company") was
15 incorporated . . . on 10 September 2004. It was established with the
16 contribution made by IRICO Group Corporation, the controlling
17 shareholder and sole promoter of the Company, in respect of its assets of
18 production and sales of color picture tubes ("CPTs") in its related core
businesses . . . The Company and its subsidiaries (the "Group") are the
largest CPT manufacturer in China and one of the world's major CPTs and
CPT component manufacturers." (p. 2)

19 The Report further states that:

20 "CPT is the core component of a cathode ray tube ('CRT') television set,
21 accounting for about 50% of the aggregate cost of all of the components of
22 a CRT television set"; "Major customers of the Group include TCL,
Skyworth, Konka, Changhong and Hisense, which are major television
producers in China." (p. 2)

23 "The Group strives to develop overseas market and step into global
24 competition with low cost and high quality products, consolidating the
25 leading position of the Group in CPT industry in the PRC, and endeavors
to increase its global market shares." (p. 8)

26 2. Attached as **Exhibit 2** is a true and correct copy of a document entitled [REDACTED]

27 [REDACTED]

28

1 [REDACTED] produced in this litigation by defendant Beijing Matsushita Color CRT Co. Ltd.
2 bearing the Bates stamp BMCC-CRT-000105538-57 and a translation of an excerpt thereof
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED] (emphasis added).

9 3. Attached as **Exhibit 3** is a true and correct copy of Irico Group Electronics
10 Co. Ltd.'s 2006 Annual Report dated April 12, 2007, published by Irico Group Electronics
11 (now known as Irico Group New Energy Co. Ltd.) at <http://www.irico.com.cn/en/wp-content/uploads/2014/04/LTN20060502421.pdf> (At 2: "The Group's output volume of
12 CPTs attained record high in 2006 accounted for up to 22.3% of the total output volume of
13 CPT manufacturers in the PRC, securing a leading position in the industry"; and at 17: "the
14 CPT market in the PRC . . . accounts for two-thirds of global market share").
15

16 4. Attached as **Exhibit 4** is a true and correct copy of Irico Group Electronics
17 Co. Ltd.'s 2007 Annual Report dated April 24, 2008, published by Irico Group Electronics
18 (now known as Irico Group New Energy Co. Ltd.) at <http://www.irico.com.cn/en/wp-content/uploads/2014/04/LTN20080429526.pdf> (At 13: "The Group's global market share
19 rose by 1.8 percentage points to 13.8% over last year, being the third largest globally").
20

21 5. Attached as **Exhibit 5** is a true and correct copy of excerpts of the transcript
22 of the deposition of Wenkai Zhang on March 4, 2019 ("Zhang Dep. I") at 42:4-17, 43:8-
23 11, 84:11-86:15. The Irico Defendants have designated this transcript "highly
24 confidential" under the terms of the protective order (ECF No. 306).
25

26 6. Attached as **Exhibit 6** is a true and correct copy of excerpts of the transcript
27 of the deposition of Wenkai Zhang on March 5, 2019 ("Zhang Dep. II") at 18:10-17, 26:9-
28 27:7, 62:10-25. The Irico Defendants have designated this transcript "highly confidential"
under the terms of the protective order (ECF No. 306).
29

1 7. Attached as **Exhibit 7** is a true and correct copy of excerpts of the transcript
2 of the deposition of Zhaojie Wang on March 6, 2019 (“Wang Dep. I”) at 43:6-7, 43:20-
3 44:7. The Irico Defendants have designated this transcript “highly confidential” under the
4 terms of the protective order (ECF No. 306).

5 8. Attached as **Exhibit 8** is a true and correct copy of excerpts of the transcript
6 of the deposition of Zhaojie Wang on March 7, 2019 (“Wang Dep. II”) at 32:15-25, 35:9-
7 24, 40:8-23, 41:12-42:4, 44:19-24, 46:19-47:2, 48:2-25, 49:13-50:6. The Irico Defendants
8 have designated this transcript “highly confidential” under the terms of the protective order
9 (ECF No. 306).

10 9. Attached as **Exhibit 9** is a true and correct copy of excerpts of the transcript
11 of the deposition of Zhaojie Wang on March 8, 2019 (“Wang Dep. III”) at 24:24-25:8,
12 92:18-24, 99:5-15, 102:13-23. The Irico Defendants have designated this transcript
13 “highly confidential” under the terms of the protective order (ECF No. 306).

14 10. Attached as **Exhibit 10** is a true and correct copy of Irico Defendants’
15 Supplemental Objections and Responses to Indirect Purchaser Plaintiffs’ Second Set of
16 Interrogatories, dated November 2, 2018 [REDACTED]
17 [REDACTED]

18 11. Attached as **Exhibit 11** is a true and correct copy of Irico Defendants’
19 Corrected Supplemental Objections and Responses to Indirect Purchaser Plaintiffs’ Second
20 Set of Interrogatories, dated April 11, 2019 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]

28

1 12. Attached as **Exhibit 12** is a true and correct copy of a document entitled
2 Certificate of Account Transfer for Exported Goods and accompanying invoice, produced
3 in this litigation by the Irico Defendants bearing the Bates stamp IRI-CRT-00003566-69
4 and a translation of IRI-CRT-00003566, showing China National Electronics Import &
5 Export Caihong Company (“Import-Export”) exported 10080 units of 14” CPT to Irico
6 (USA) Inc. for a total of \$302,400.

7 13. Attached as **Exhibit 13** is a true and correct copy of a document entitled
8 [REDACTED] produced in this
9 litigation by the Irico Defendants bearing the Bates stamp IRI-CRT-00003570-71 and a
10 translation of IRI-CRT-00003570, showing [REDACTED]

11 [REDACTED]
12 14. Attached as **Exhibit 14** is a true and correct copy of a document entitled
13 [REDACTED] produced
14 in this litigation by the Irico Defendants bearing the Bates stamp IRI-CRT-00003584-85
15 and a translation of IRI-CRT-00003584, showing [REDACTED]

16 [REDACTED]
17 15. Attached as **Exhibit 15** is a true and correct copy of a document entitled
18 [REDACTED] produced in this
19 litigation by the Irico Defendants bearing the Bates stamp IRI-CRT-00003586-87 and a
20 translation of IRI-CRT-00003586, showing [REDACTED]

21 [REDACTED]
22 16. Attached as **Exhibit 16** is a true and correct copy of a document entitled
23 [REDACTED] produced in this
24 litigation by the Irico Defendants bearing the Bates stamp IRI-CRT-00003588-89 and a
25 translation of IRI-CRT-00003588, showing [REDACTED]

26 [REDACTED] This document was marked as Deposition Exhibit
27 No. 8411.
28

1 17. Attached as **Exhibit 17** is a true and correct copy of a document entitled
2 [REDACTED] produced in this
3 litigation by the Irico Defendants bearing the Bates stamp IRI-CRT-00003594-95 and a
4 translation of IRI-CRT-00003594, showing [REDACTED]
5 [REDACTED] This document was marked as Deposition Exhibit
6 No. 8412.

7 18. Attached as **Exhibit 18** is a true and correct copy of excerpts of the Irico
8 Group Electronics Co. Ltd. Global Offering Prospectus, dated December 8, 2004,
9 published by Irico Group Electronics (now known as Irico Group New Energy Co. Ltd.) at
10 <http://www.irico.com.cn/en/wp-content/uploads/2014/04/LTN20041208000.pdf>.

11 At 26: “Our major customers include TCL King Electrical Appliances
12 (Huizhou) Co., Ltd. (“TCL”), Shenzhen Skyworth-RGB Electronics Co.
13 Ltd. (“Skyworth”), Konka Group Co., Ltd. (“Konka”), Sichuan
14 Changhong Electric Co., Ltd. (“Changhong”) and Qingdao Hisense
15 Electric Appliance Co., Ltd. (“Hisense”), which are major television set
16 manufacturers in the PRC. For the three years ended 31 December 2001,
17 2002 and 2003 and the six months ended 30 June 2004, the total sales to
18 the above major customers accounted for approximately 59.27%, 59.35%,
19 63.53% and 67.09%, respectively, of our total sales.”

20 At 33: “The Directors do not believe that the United States anti-dumping
21 order will have a significant impact on our business, because we generate
22 approximately 60% of our sales from CPTs that are 21" or smaller, which
23 will not be affected by the dumping margin. Our CPTs that are over 21" in
24 size, which constitute about 40% of our sales, are sold both in the
25 domestic Chinese market and other foreign countries besides the United
26 States. We estimate that only a small portion of our CPTs over 21" are
27 used for television sets that are exported to the United States.”

28 19. Attached as **Exhibit 19** is a true and correct copy of a document entitled
[REDACTED] produced in this
litigation by defendant Chunghwa Picture Tubes, Ltd. bearing the Bates stamp
CHU00690421, and a translation thereof [REDACTED]
[REDACTED]
[REDACTED]

1 [REDACTED]

2 [REDACTED]

3 20. Attached as **Exhibit 20** is a true and correct copy of a PowerPoint
4 presentation, produced in this litigation by defendant Samsung SDI bearing the Bates
5 stamp SDCRT-0202827 and a translation thereof (showing [REDACTED]
6 [REDACTED]
7 [REDACTED])

8 21. Attached as **Exhibit 21** is a true and correct copy of a PowerPoint
9 presentation entitled [REDACTED] produced in this litigation by
10 defendant MT Picture Display Co., Ltd. bearing the Bates stamp MTPD-0573273 and a
11 translation thereof (showing that [REDACTED]
12 [REDACTED]
13 (at 0573273.06E and 0573273.21E), and showing that [REDACTED]
14 [REDACTED] (at 0573273.20E)).

15 22. Attached as **Exhibit 22** is a true and correct of a PowerPoint presentation
16 entitled [REDACTED]
17 [REDACTED] produced in this litigation by defendant Koninklijke Philips
18 Electronics N.V. (“Philips”) bearing the Bates stamp PHLP-CRT-010948 (showing [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED] Slide 4 lists [REDACTED]
22 [REDACTED]
23 [REDACTED] This document was marked as Deposition Exhibit
24 2262.

25 23. Attached as **Exhibit 23** is a true and correct of [REDACTED]
26 [REDACTED] produced in this litigation by defendant
27 Chunghwa Picture Tubes, Ltd. bearing the Bates stamp CHU00029191-94, and a
28 translation thereof (stating at 194 that [REDACTED])

1 [REDACTED]

2 [REDACTED]

3 24. Attached as **Exhibit 24** is a true and correct of the [REDACTED]
4 [REDACTED] produced in this litigation by defendant
5 Philips bearing the Bates stamp PHLP-CRT-154896-898 (showing that [REDACTED]
6 [REDACTED]

7 [REDACTED]

8 25. Attached as **Exhibit 25** is a true and correct copy of [REDACTED]
9 [REDACTED]
10 produced in this litigation by defendant Philips bearing the Bates stamp PHLP-CRT-
11 155234-36 (showing that [REDACTED]
12 [REDACTED].

13 26. Attached as **Exhibit 26** is a true and correct copy of a document entitled
14 Philips Consumer Electronics Commercial invoice, produced in this litigation by Circuit
15 City Stores, Inc. bearing the Bates stamp CC0118601-19 (showing the importation of
16 Magnavox 13" (model 13MT143S), 14" (model 14MS2331/17), and 20" (model
17 20MT133S) CRT televisions, which were manufactured at the site of TCL King Elec. App.
18 Co., Ltd. in Huizhou, China, sold by Philips Consumer Electronics Co. in Atlanta, GA, and
19 shipped to Circuit City Stores, Inc. in Walnut, CA).

20 27. Attached as **Exhibit 27** is a true and correct copy of a [REDACTED]
21 [REDACTED] produced in this litigation by BestBuy
22 bearing the Bates stamp BBYCRT053101 (showing [REDACTED]).

23 28. Attached as **Exhibit 28** is a true and correct copy of [REDACTED]
24 [REDACTED] produced in this litigation by defendant Chunghwa Picture Tubes,
25 Ltd., bearing the Bates stamp CHU00124396-99 and CHU00124400-02 and a translation
26 thereof [REDACTED]
27 [REDACTED]
28 [REDACTED]

1 [REDACTED]

2 [REDACTED] The translation of the two documents was provided by the Irizo
3 Defendants as a single exhibit to Declaration of Stuart C. Plunkett in Support of Irizo
4 Defendants' Opposition to Indirect Purchaser Plaintiffs' Motion to Compel Jurisdictional
5 Discovery, submitted to Special Master Walker on September 14, 2018.

6 29. Attached as **Exhibit 29** is a true and correct copy of [REDACTED]
7 [REDACTED] produced in this
8 litigation by defendant MT Picture Display Co., Ltd. bearing the Bates stamp MTPD-
9 0523073-79 and a translation thereof (showing [REDACTED]
10 [REDACTED]).

11 30. Attached as **Exhibit 30** is a true and correct copy of [REDACTED]
12 [REDACTED]
13 [REDACTED] produced in this litigation by defendant Chunghwa Picture Tubes, Ltd.,
14 bearing the Bates stamps CHU00572096 and 2098 and a translation thereof; and
15 CHU00572996, 2998, 3026 and 3034 and a translation thereof [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 31. Attached as **Exhibit 31** is a true and correct copy of [REDACTED]
21 [REDACTED] produced in this litigation by defendant Philips bearing the Bates stamp
22 PHLP-CRT-172663-67 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 32. Attached as **Exhibit 32** is a true and correct copy of [REDACTED]
26 [REDACTED] produced in this litigation by defendant Chunghwa Picture Tubes, Ltd. bearing the
27 Bates stamp CHU00124417-19, and a translation thereof [REDACTED]
28

1 [REDACTED]

2 [REDACTED]

3 33. Attached as **Exhibit 33** is a true and correct copy of [REDACTED]

4 [REDACTED] produced in this litigation by Chunghwa Picture Tubes, Ltd.

5 bearing the Bates stamp CHU00689067-69, and a translation thereof (stating at 067 that

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 34. Attached as **Exhibit 34** is a true and correct copy of excerpts of the
10 Deposition of Chunghwa's Chih Chun (C.C.) Liu, at 300:23-301:25, 420:8-421:10,
11 435:10-24:

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 * * *

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 * * *
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 35. Attached as **Exhibit 35** is a true and correct copy of [REDACTED]
14 [REDACTED] produced in this litigation by the Irico Defendants bearing Bates stamp
15 IRI-CRT-00000487 and a translation thereof (showing [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 36. Attached as **Exhibit 36** is a true and correct copy of excerpts of the
19 transcript of the deposition of Donald Clarke on March 26, 2019 at 146:14-21 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 37. Attached as **Exhibit 37** is a true and correct copy of a June 23, 2013 Wall
23 Street Journal article entitled Chinese Industrial Subsidies Grow 23% (“China’s central and
24 provincial governments have long fed its major state-owned and private companies a
25 steady diet of subsidies to boost growth, support jobs and create national champions”).
26
27
28

1 38. Attached as **Exhibit 38** is a true and correct copy of the Errata to The
2 Expert Report of Janet S. Netz, Ph.D., signed by Dr. Netz on July 3, 2014 and served on
3 the defendants on July 8, 2014.

4 39. Attached as **Exhibit 39** is a true and correct copy of Irico Defendants' Third
5 Supplemental Objections and Responses to Indirect Purchasers' First Set of Requests for
6 Production of Documents, dated January 18, 2019 (describing at 8-10 [REDACTED])

7 [REDACTED]
8 [REDACTED] .

I declare under penalty of perjury that the foregoing is true and correct. Executed
on this 12th day of April 2009 in San Francisco, California.

/s/ Mario N. Alioto
Mario N. Alioto